

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

NOV 12 2024

at 1 o'clock and 29 min. P.M.  
Lucy H. Carrillo, Clerk

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Plaintiff, *pro se* solely in individual capacity

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF HAWAII**

DAVID DEMAREST and GREEN | CASE NO. 22-CV-00064-JAO-KJM  
MOUNTAIN MYCOSYSTEMS, | (In Admiralty)  
LLC,  
PLAINTIFFS

No Hearing Or Trial Date Set At This Time

v.

HON. JUDGE JILL A. OTAKE PRESIDING

RAIED J. ALFOUADI;  
UNNAMED SAILING VESSEL,  
*in rem*, Hull No. HA 6874 H;  
DOE DEFENDANTS 1-20;  
DOE CORPORATIONS 1-20;  
DOE GOVERNMENT AGENCIES  
1-20; DOE PARTNERSHIPS 1-20.  
DEFENDANTS

**Plaintiff's Motion for Voluntary Dismissal Pursuant to F.R.C.P. Rule 41(a)(2)**

The recent differentiation by this Court of the individual rights of Demarest from the rights of Green Mountain Mycosystems, LLC ("GMM") as a separate and distinct legal entity necessitates Plaintiff Demarest acknowledge his lack of standing to pursue claims involving the Environmental Salvage and Wreck Removal at issue because all the rights and responsibilities which were initially accepted individually by Plaintiff Demarest on January 2, 2022 were fully and completely transferred to GMM on January 12, 2022.


1 Notably, the rights permanently transferred from Plaintiff Demarest to  
2 Plaintiff GMM on January 12, 2022 included the alleged original meeting of the  
3 minds between Mr. Demarest, as an individual, and Mr. Alfouadi on January 2,  
4 2022 which was summarized by Defendant Alfouadi as, "[Plaintiff] was under the  
5 understanding that once a claim was filed, he can bill for his hours, okay, and  
6 expenses or whatever he was going to bill for. (Doc 132-4 page 47, Alfouadi  
7 Deposition p. 183 lines 4-9).

8 In accordance with *Local Rule 7.8*, Plaintiff Demarest inquired on Tuesday  
9 October 24 if Defendant was "willing to stipulate to dismissal of myself as an  
10 individual plaintiff due solely to my personal lack of individual standing on the  
11 matters currently before the Court?" On Friday November 1 Defendant Counsel  
12 took the stance, "We have no authority to stipulate to your dismissal at this time."

13 **Conclusion**

14 Plaintiff Demarest concedes he does not have standing to pursue any  
15 individual claims involving rights owned by GMM since January 12, 2022 and  
16 Motions for Voluntary Dismissal with Prejudice pursuant to *F.R.C.P. Rule 41(a)(2)*.

17  
18 Respectfully submitted November 5, 2024.

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